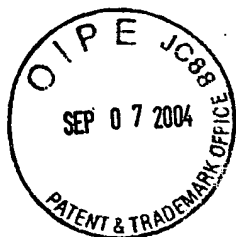


IFW

**PATENT**  
Atty Docket No. 65015  
First Class Mail



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s):	Chunying Du, et al.	Group No.	1645
Serial No.:	10/730,476	Examiner:	Unknown
Filed:	December 8, 2003	Confirmation No.	3329
For:	Compositions and Methods for Cleaving IAP		

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Dear Sir:

Attached please find the following:

- ☒ Information Disclosure Statement (5 pages);
- ☒ Information Disclosure Statement by Applicant including copies of cited articles;
- ☒ Certificate of Mailing by First Class Mail;
- ☒ Stamped, pre-addressed postcard;

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**CERTIFICATE OF MAILING**

I hereby certify that, on the date shown below, this correspondence is being

- ☒ deposited with the United States Postal Service in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**MAILING**

- ☒ 37 C.F.R. §1.8  
as first class mail.

37 C.F.R. §1.10  
as "Express Mail Post Office to Addressee"  
EXPRESS MAIL NO.

**FACSIMILE TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

\_\_\_\_\_  
Gayle Canfield  
Name of Depositor

\_\_\_\_\_  
*Gayle Canfield*  
Signature

\_\_\_\_\_  
September 3, 2004  
Date

The Commissioner is hereby authorized to charge any additional fees, which may be required to Deposit Account No. 50-1662. A duplicate of this request is attached.

Respectfully submitted,

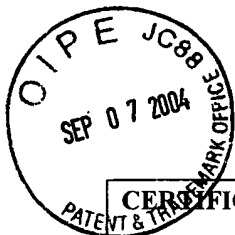
POLSINELLI SHALTON WELTE SUELTHAUS PC

Date: September 3, 2004

By: 

Holly M. Amjad, Reg. No. 41,582  
700 W. 47<sup>th</sup> Street, Suite 1000  
Kansas City, Missouri 64112  
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Fax: (816) 753-1536  
Attorney for Applicants

018538 / 065015  
HMAMJ 1125655



CERTIFICATE OF MAILING BY "FIRST CLASS MAIL" (37 CFR 1.8)			Matter No.	
Applicant(s): Chunying Du, et al.			65015	
Serial No.	Filing Date	Examiner	Group Art No.	Confirmation No.
10/730,476	December 8, 2003	Unknown	1645	3329
Invention: COMPOSITIONS AND METHODS FOR CLEAVING IAP				
<p>I hereby certify that a Transmittal (2 pages, in duplicate); Information Disclosure Statement (5 pages); Information Disclosure Statement by Applicant including copies of cited articles; a Certificate of Mailing by First Class Mail (1 page); and a stamped, pre-addressed postcard are being mailed by U.S. Postal Service First Class Mail to Addressee, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 3rd day of September, 2004.</p> <p style="text-align: center;">_____ Gayle Canfield (Typed or Printed Name of Person Mailing Correspondence)</p> <p style="text-align: center;">_____ <i>Gayle Canfield</i> (Signature of Person Mailing Correspondence)</p>				



**PATENT**  
Atty Docket No. 65015  
First Class Mail

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s):	Chunying Du, et al.	Group No.	1645
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Filed:	December 8, 2003	Conf. No.	3329
For:	Compositions and Methods for Cleaving IAP		

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

It is desired to cite for the record in this application the enclosed documents listed on the attached copy of PTO Form 1449. In sections I-IV, below, the paragraph(s) marked with an "x" in the requisite space are applicable to this Information Disclosure Statement.

**I. REQUEST FOR CONSIDERATION**

[ ] (a) The enclosed Information Disclosure Statement is being filed within three months of the filing date or within three months of the entry of the national stage of the above-

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**CERTIFICATE OF MAILING**

I hereby certify that, on the date shown below, this correspondence is being

- ☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**MAILING**

- 37 C.F.R. §1.8**  
☒ as first class mail.

- 37 C.F.R. §1.10**  
☐ as "Express Mail Post Office to Addressee"  
EXPRESS MAIL NO.

**FACSIMILE TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

\_\_\_\_\_  
Gayle Canfield  
Name of Depositor

*Gayle Canfield*  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
September 3, 2004  
Date

identified application. Accordingly, applicant(s) believe(s) that no fee or certification is required.

☒ (b) Applicant(s) believe(s) the enclosed Information Disclosure Statement is entitled to the benefit of 37 CFR §1.97 (b) (3) as it is being filed before the mailing of the first Office Action on the merits. Accordingly, applicant(s) believe(s) that no fee or certification is required.

☐ (c) Applicant(s) believe(s) the enclosed Information Disclosure Statement is entitled to the benefit of 37 CFR §1.97 (b) (4) as it is being submitted before the mailing of an Office Action after the filing of a request for continued examination under 37 CFR §1.114. Accordingly, applicant(s) believe(s) that no fee for certification is required.

☐ (d) Pursuant to 37 CFR §1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:

- ☐ a certification under 37 CFR §1.97(e); or
- ☐ the fee set forth in 37 CFR §1.17 (p) (\$180.00);
- ☐ a check for this fee is enclosed herewith; or
- ☐ please charge this fee to Deposit Account No. 50-1662.

## **II. PETITION UNDER 37 CFR 1.97 (d)**

☐ a) Pursuant to 37 CFR §1.97 (d), applicant(s) hereby petition(s) the Commissioner to consider the attached Information Disclosure Statement. Applicant(s) state(s) that the issue fee has not been paid and that a certification under 37 CFR §1.97 (e) is provided herein, along with the petition fee of \$130.00 required under 37 CFR §1.17 (i) (1);

- ☐ a check for this petition fee is enclosed herewith;
- ☐ please charge this petition fee to Deposit Account No. 50-1662;

and

b) The information disclosure fee of \$200.00 required by 37 CFR §1.17 (p) is believed to be due, and

- ☐ a check for this fee is enclosed herewith; or
- ☐ please charge this fee to Deposit Account No. 50-1662.

**III. CERTIFICATION UNDER 37 CFR §1.97 (e) (1)**

☐ The undersigned hereby certifies that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of this statement. Art was cited in an International search Report mailed \_\_\_\_\_ in the PCT Application No. \_\_\_\_\_ corresponding to the above listed patent application.

☐ A copy of the \_\_\_\_\_ by the International Preliminary Examining Authority is enclosed herewith.

**IV. CERTIFICATION UNDER 37 CFR §1.97 (e) (2)**

☐ The undersigned hereby certifies that no item of information contained in the attached Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual having a duty of disclosure as set forth in 37 CFR §1.56 (c) more than three months prior to the filing of this statement.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a governmental or international or regional bureau searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 CFR §1.98(a) (3) even if in a foreign language, since the few terms of relevance therein are deemed of universal cognizance. However, applicant does not necessarily adopt the position reflected by that report.

The information herein cited is only in fulfillment of Applicant's(s') duty of candor in disclosing all information brought to Applicant's(s') attention. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art". If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant(s) reserve(s) the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicant(s) further reserve(s) the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1662.

Respectfully submitted,

POLSINELLI SHALTON WELTE SUELTHAUS PC

Date: September 3, 2004

By:



Holly M. Amjad, Reg. No. 41,582

700 W. 47<sup>th</sup> Street, Suite 1000

Kansas City, Missouri 64112

Tel: (816) 360-4299

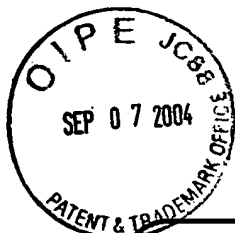
Fax: (816) 753-1536

Attorney for Applicant(s)

018538 / 065015  
HMAMJ 1125658



PTO/SB/08a (05-03)



PTO/SB/08b(05-03)

Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2

**Complete if Known**

Application Number	10/730,476
Filing Date	December 8, 2003
First Named Inventor	Chunying Du
Group Art Unit	1645
Examiner Name	Not Yet Assigned
Attorney Docket Number	65015

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		CILENTI, L., et al., Characterization of a novel and specific inhibitor for the pro-apoptotic protease Omi/HtrA2, The American Society for Biochem and Molecular Bio. Inc., JBC Papers in Press, published on January 15, 2003.	
		JIN, S., et al., CIAP1 and the serine protease HTRA2 are involved in a novel p53-dependent apoptosis pathway in mammals, Genes & Development 17:359-367 (2003)	
		SAVOPOULOS, J.W., et al, Expression, Purification, and Functional Analysis of the Human Serine Protease HtrA2, Protein Expression and Purification 19, 227-234 (2000)	
		VAN LOO, G., et al., The serine protease Omi/HtrA2 is released from mitochondria during apoptosis. Omi interacts with caspase-inhibitor XIAP and induces enhanced caspase activity, Cell Death and Differentiation, 9:1, 20-26 (January, 2002)	
		YANG, Q., et al., Omi/HtrA2 catalytic cleavage of inhibitor of apoptosis (IAP) irreversibly inactivates IAPs and facilitates caspase activity in apoptosis, Genes and Development, 17:1487-1496 (2003)	
		YANG, Y., et al., The IAP family: endogenous caspase inhibitors with multiple biological activities, Cell Research, 10:169-177 (2000)	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.